

Before the
Federal Communications Commission
Washington, D.C. 20554

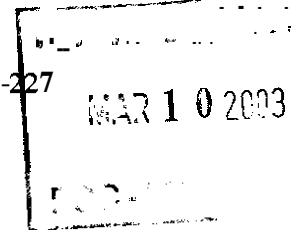
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In the Matter of

Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Stations.
(Reydon, Oklahoma)

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MM Docket No. 01-227
RM-10255



**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: February 26, 2003**Released: March 4, 2003**

By the Assistant Chief, Audio Division:

1. The Audio Division considers herein a multiple docket ~~Notice~~ of *Proposed Rule Making* ("~~Notice~~") that commenced ten separate rulemaking proceedings to allot FM channels to different communities. This *Report and Order* resolves one of these proceedings, MM Docket No. 01-227. In this proceeding, Katherine Pyeatt ("Petitioner") filed a Petition for Rule Making seeking the allotment of Channel 264C2 to Reydon, Oklahoma, as that community's first local aural broadcast service. Petitioner filed comments, reiterating an intention to apply for Channel 264C2 if it is allotted to Reydon, as requested. No counterproposals or additional comments were received in response to the above-listed docket.¹

2. At the outset, we find that Reydon (population 177) is a community for allotment purposes. This requirement is generally satisfied if a community is either incorporated or listed in the U.S. Census.² Although the population of Reydon is small, it nevertheless qualifies as a community because it is listed in the U.S. Census and because the petitioner states that it is incorporated.⁴ The petitioner adds that Reydon has its own mayor, post office, school district, city hall, and a number of local churches.

3. In view of the interest expressed in providing a first local aural broadcast service to Reydon, Oklahoma, we will allot Channel 264C2 to that community, as requested. As stated in the ~~Notice~~, Channel

¹ See *Reydon, OK*, 16 FCC Rcd 16341 (M.M. Bur. 2001).

² Prior to the comment deadline in MM Docket No. 01-227, the Petitioner filed a separate Petition for Rule Making, requesting the allotment of Channel 263C3 to Memphis, Texas. That rulemaking petition was in conflict with the instant proposal to allot Channel 264C2 to Reydon. However, the Memphis petition was subsequently dismissed by a separate staff letter, at the request of the Petitioner, in accordance with Section 1.420(j) of the Commission's Rules.

³ See, e.g., *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 101 (1982); and *Cleveland and Ebenezer, MS*, 10 FCC Rcd 8807.8808 (Allocations Br. 1995).

⁴ See, e.g., *Implementation of BC Docket 80-90 to Increase the Availability of FM Broadcasting Assignments (Semora, North Carolina)*, 5 FCC Rcd 934 (1990) (community of 150 persons qualifies as a community even though it was not listed in the U.S. Census or incorporated).

264C2 can be allotted to Reydon in compliance with the Commission's minimum distance separation requirements, provided that there is a site restriction 29.9 kilometers (18.6 miles) south of Reydon?

3. Accordingly, pursuant to the authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's rules, **IT IS ORDERED**, That effective **April 18, 2003**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, **IS AMENDED**, with respect to the community listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Reydon, Oklahoma	264C2

4. The window period for filing applications for Channel 264C2 at Reydon, Oklahoma will **not** be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

5. **IT IS FURTHER ORDERED**, That the aforementioned proceedings **ARE TERMINATED**.

6. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202)418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

⁵ The reference coordinates for Channel 264C2 at Reydon are 35-23-11 NL and 99-52-38 WL.